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PARLIAMENTARY LAW—EXPRESS AUTHORITY NECESSARY FOR THE "CASTING VOTE."—By statute, the county judge was made the presiding officer of the county court, which consisted of the justices of the county. The county court, being authorized to issue bonds for a new court house upon a majority vote in favor of it, voted eighteen for and eighteen against. Whereupon the county judge, without any express authority in the statutes, cast a vote in favor and declared the resolution carried. Bill brought to enjoin the issuance of the bonds. *Held*, that a presiding officer of a deliberative body does not have the privilege of the "casting vote," unless expressly authorized, and that the injunction should be granted. *Reeder v. Trotter*, (Tenn., 1919) 215 S. W. 400.

The "casting vote" is usually defined as the vote of the presiding officer of a deliberative assembly or legislative body, in the event of a tie vote upon any question or motion. This vote may be the single vote of a person who never votes at any other time, or it may be the double vote of a person who first votes with the rest, and then upon an equality, creates a majority by giving a second vote. *Wooster v. Mullins*, 64 Conn. 340; *People v. Rector etc. of the Church of Atonement*, 48 Barb. (N. Y.) 603. The double vote was allowed in the New York case because the statute expressly gave the vote to each of the wardens and vestrymen, and also gave express authority to the presiding officer, who might be one of the wardens, to have the "casting vote," without taking away his vote as a member. But where the statute was not explicit on this question, the vote of the mayor *as a member of the council* was withheld when acting as the presiding officer with the privilege of the "casting vote." *Brown v. Foster*, 88 Me. 49. But in all the above cases and in many others, the authority to exercise the "casting vote" was express. *Launtz v. People*, 113 Ill. 137; *Carrol v. Wall*, 35 Kan. 36. And such seems to be the situation in all cases where this point has been raised. However the principal case is one where no express privilege of voting as a member, or in case of an equality, was given to the presiding officer. It was held in an early Alabama case, *State v. Adams*, 2 Stew. (Ala.) 231, that a sheriff has no power to exercise the "casting vote," where he was not expressly authorized, and that this power could not be implied. This latter case directly supports the doctrine of the principal case. Thus the doctrine of the principal case seems in accord with authority, since the reported cases, raising this question, are cases based on express authority, and since the Alabama case is directly in point. See also note 47 L. R. A. 561, and 29 Cyc. 1690.

PRINCIPAL AND AGENT—LIABILITY OF UNDISCLOSED PRINCIPAL WHO HAS SETTLED WITH AGENT.—The mortgagor of a consignment of cotton seed shipped the cotton seed over plaintiff's road. The plaintiff, pursuant to custom in dealing with the shipper marked the bill of lading "freight prepaid." In reality it had not been paid. Three years later upon discovering that the shipper was only the agent, the plaintiff (mortgagor) sued to collect the freight charges from defendant, mortgagee. The defendant, in the meantime, thinking the freight had been paid, had settled with the agent. *Held*,